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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,448	05/30/2000	Scott Andrew Snyder	051638-5001-02	2465
7278	7590	01/31/2006	EXAMINER	
DARBY & DARBY P.C.			SUBRAMANIAN, NARAYANSWAMY	
P. O. BOX 5257			ART UNIT	PAPER NUMBER
NEW YORK, NY 10150-5257			3624	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This office action is in response to applicants' communication filed on November 23, 2005. Amendments to claims 13, 37, 69-71 and 73-75 and cancellation of claims 46-67 have been entered. Claims 1-16, 18-22, 25-40, 42, 45 and 54-75 are pending in the application. Claims 69-71 and 73-75 are subject to election/species as discussed below. The election/species are stated below.

#### ***Election/Restrictions***

2. The present invention in view of the amended claims 69-71 and 73-75 contains claims directed to the following patentably distinct species of the claimed elected invention:

The following claims are directed to different species of the generic feature of utility function as discussed below.

Specie 1A      Claims 69 and 73

Specie 1B      Claims 70 and 74

Specie 1C      Claims 71 and 75

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 68 and 72 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

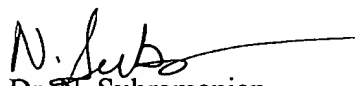
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'N. Sub', with a long horizontal flourish extending to the right.

Dr. N. Subramanian

January 18, 2006